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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,347	06/28/2006	Francois Girard	P29468	5450
7055 7590 11/12/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
MEYER, KATY E				
ART UNIT		PAPER NUMBER		
3618				
NOTIFICATION DATE		DELIVERY MODE		
11/12/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/570,347

Applicant(s)

GIRARD ET AL.

Examiner

Katy Meyer

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 14, 2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bejean et al. (US 5,011,179).

A cross-country ski system (Fig. 4) comprising: a cross-country ski (1) comprising an upper surface including a central zone adapted to receive a device for binding a boot to the ski; the central zone of the ski comprising a binding zone (2) having a location for receiving the binding device (i.e. the toe of the boot); the upper surface of the ski comprising an upper support surface (1a) arranged on at least one of two lateral sides of the location to receive the binding device, the upper support surface being exposed laterally of the binding zone for coming in direct contact with the boot when a skier using

the cross-country ski system exerts a pressure force with the boot toward the ski (see Fig. 3); the location for receiving the binding device comprising an upwardly facing recess (5c) of the upper surface of the ski.

A lateral shoulder (5a) supports the boot. Two lateral upper surfaces (1a) are arranged on respective sides of the location (2) for receiving the binding device. A support surface (5d) is arranged above the upper surface. The support surfaces are arranged in the location of the metatarsophalangeal bending zone of the foot (see Figs. 11 and 12).

As for claim 13, Bejean et al. meet all the limitations as described above, and also disclose a binding device including a mechanism for engagement with the boot (note column 1, lines 44 – 52, which describes the toe of the boot being attached to the ski).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 – 15 and 17 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bejean et al. (US 5,011,179) et al. in view of Gignoux et al. (US 6,390,494).

Bejean et al. meet all the limitations of the claimed invention, but do not disclose details of the binding device. Gignoux et al. teach a cross-country ski system wherein a

binding device (1) has a lesser width than the width of the ski (9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the ski system taught by Bejean et al. with the binding taught by Gignoux et al. to provide a short, compact binding that does not interfere with the boot movement.

Gignoux et al. further discloses a binding fitted within a recess (7) and a rib (see 8 and Figs. 1 and 3) adapted to be positioned within a recess in the boot (see Figs. 4 and 6).

There is no baseplate mounted between the boot and the upper support surface of the ski in either the system shown by Bejean et al. (see Fig. 4) or the system shown by Gignoux et al. (see Fig. 1) that would interfere with contact between the boot and the lateral upper support surfaces.

Gignoux et al. further disclose a front jaw (15), a front bar (61), an elastic return mechanism (6), and a rear bar (62).

Bejean et al. teach a boot supported directly by the ski in the metatarsophalangeal bending zone (Figs. 11 and 12). Bejean et al. also disclose a rib (2) and a boot having a downwardly-facing longitudinal groove (4).

Both Gignoux et al. and Bejean et al. teach a binding zone (1 and 2, respectively) having a width less than that of the ski for the entire length of the binding zone, thus exposing lateral support surfaces (see Figs. 1 and 3, respectively).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bejean et al. (US 5,011,179) et al. in view of Kenney (US 6,257,620).

Bejean et al. meet all the limitations of the claimed invention, but do not disclose an upper surface that is narrower than a gliding surface. Kenney teaches a ski having an upper surface (21) that is wider than a gliding surface (22) – see Fig. 2, lower left embodiment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ski taught by Bejean et al. to have a narrower gliding surface to minimize surface contact, thus reducing drag.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is (571)272-5830. The examiner can normally be reached on Monday - Thursday, 8:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GLENN DAYOAN/
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